

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

-against-

**ROBERT J. MUELLER, DEEPROOT FUNDS
LLC (a/k/a dprt Funds, LLC), AND POLICY
SERVICES INC.,**

Defendants,

-and-

**DEEPROOT TECH LLC, DEEPROOT
PINBALL LLC, DEEPROOT STUDIOS LLC,
DEEPROOT SPORTS & ENTERTAINMENT
LLC, AND DEEPROOT RE 12621 SILICON DR
LLC,**

Relief Defendants.

Civil Action No.: 5:21-cv-785-XR

**PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S UNOPPOSED
MOTION TO UNSEAL THE SEALED ATTACHMENTS TO ITS' MOTION FOR
LEAVE TO FILE DOCUMENTS UNDER SEAL**

Plaintiff, Securities and Exchange Commission ("SEC"), submits this Unopposed Motion to Unseal the Sealed Attachments to Its' Motion for Leave to File Sealed Documents ("Sealing Motion"), Dkt. 104.

The SEC filed its Sealing Motion at the same time it filed its Motion for Summary Judgment, Dkt. 103. The SEC's Motion for Summary Judgment referred to and cited documents Mr. Mueller designated "Confidential" pursuant to the Court's Protective Order, Dkt. 54. The SEC's Motion for Summary Judgment also cited an expert report which itself quoted and cited documents Mr. Mueller designated "Confidential." The Sealing Motion asked the Court to seal

an unredacted copy of the SEC’s Motion for Summary Judgment, the expert report, and the documents that Mr. Mueller designated “Confidential.” Those documents are Exhibits A-I to the Sealing Motion.

After filing the Sealing Motion, the parties met and conferred about unsealing Exhibits A-I to the Sealing Motion. Consistent with the “presumption of public access to judicial records,” the SEC now seeks to unseal Exhibits A-I to the Sealing Motion. *SEC v. Van Waeyenberghe*, 990 F.2d 845, 848 (5th Cir. 1993). The SEC consulted with Mr. Mueller’s counsel in advance of filing this Motion, and they do not oppose.

The SEC moves the Court to grant the SEC’s Motion and to direct the Clerk to unseal Exhibits A-I to the Sealing Motion.

Date: October 13, 2023

Respectfully submitted,

/s/ Kristen M. Warden
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Counsel for Plaintiff Securities and Exchange Commission

CERTIFICATE OF SERVICE

I certify that on the 13th day of October 2023, a true and correct copy of the foregoing document was filed electronically through the Court's CM/ECF system, which will send copies to all counsel of record.

/s/ Kristen M. Warden

Kristen M. Warden

*Counsel for Plaintiff United States Securities
and Exchange Commission*

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[PROPOSED ORDER]

On October 13, 2023, Plaintiff, Securities and Exchange Commission (“SEC”), filed an Unopposed Motion to Unseal the Sealed Attachments to Its’ Motion for Leave to File Sealed Documents (the “Motion”), Dkt. 116. Having considered the Motion, the Court concludes that the Motion should be GRANTED.

IT IS THEREFORE ORDERED that the Clerk is directed to unseal Attachments A-I to the SEC’s Motion for Leave to File Sealed Documents, Dkt. 104.

IT IS SO ORDERED this ___ day of October, 2023.

XAVIER RODRIGEZ
U.S. DISTRICT JUDGE